## AFFIDAVIT OF SERVICE

STATE OF NEW YORK ) SS.: COUNTY OF WESTCHESTER

I, Adina Fici, being sworn, say:

I am not a party to the action, am over the age of 18 years of age and reside in Chappaqua, New York.

On August 8, 2008, I served the within NOTICE OF MOTION FOR CERTIFICATION OF INERLOCUTORY APPEAL by depositing a true copy thereof enclosed in a postpaid wrapper, via First Class Mail, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Lovett & Gould, LLP To: Attorneys for Plaintiffs Attn.: Kim Berg, Esq. 222 Bloomingdale Road White Plains, NY 10605 (914) 428-8401

Fax: (914) 428-8916

Santangelo Randazzo & Mangone, LLP Attorneys for Co-Defendants Attn.: James Randazzo, Esq. 151 Broadway Hawthorne, New York 10532 (914) 741-2929 Fax: (914) 741-2920

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Miranda Sokoloff Sambursky Slone Verveniotis LLP Attorneys for Co-defendants DONALD B. SMITH Attn.: Adam I. Kleinberg, Esq.

The Esposito Building 240 Mineola Boulevard Mineola, NY 11501

(516) 741-7676

Fax: (516) 741-9060

John Fici

Sworn to before me this

8th day of August 2008

Notary Public

ANGELA G. BELVEDERE Notary Public, State of New York No. 01BE5075112 Qualified in Westchester County Commission Expires March 24, 2011